

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 9, 2009 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Jim Peterson (R)
Sen. Donald J. Steinbeisser (R)

Members Absent: None.

Staff Present: Lindsey Hern, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 303, 1/30/2009

Executive Action: SB 93; SB 94; SB 120

00:00:13 Chairman Gebhardt
EXHIBIT(nas30a01) SB 147 heard 01/28/09

HEARING ON SB 303

Opening Statement by Sponsor:

00:02:14 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 303, Update state water plan.

00:02:39 Sen. Steinbeisser and Sen. Kaufmann came to the committee.

Proponents' Testimony:

00:06:07 Krista Lee Evans, Senior Rights Coalition, Association of Gallatin Agricultural Irrigators (AGAI)
00:08:39 Mike Murphy, Montana Water Resources Association (MWRA)
00:09:30 Rich Moy, Self
00:13:49 Tom Ebzery, Attorney, Avista Corporation
00:15:37 Brenda Lindlief-Hall, Tongue River Water Users Association
00:17:44 Sen. Peterson came to the committee.
00:17:47 Holly Franz, PPL Montana
00:19:18 Brianna Randall, Clark Fork Coalition
00:21:42 Gary Amestoy, Richland Economic Development Corporation
00:23:57 Jim Jensen, Montana Environmental Informational Center (MEIC)

Opponents' Testimony:

None

Informational Testimony:

00:26:50 John Tubbs, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:28:51 Sen. Keane
00:29:09 Sen. Wanzenried
00:29:23 Sen. Hansen
00:29:54 Sen. Wanzenried
00:30:54 Sen. Curtiss
00:31:21 Mr. Tubbs, DNRC
00:31:30 Sen. Curtiss
00:32:39 Mr. Tubbs, DNRC
00:32:56 Sen. Curtiss

00:33:07 Mr. Tubbs, DNRC
 00:33:14 Sen. Curtiss
 00:33:32 Mr. Tubbs, DNRC
 00:33:54 Sen. Perry
 00:34:06 Sen. Wanzenried
 00:34:17 Mr. Moy, Self
 00:34:55 Sen. Kaufmann
 00:35:09 Sen. Wanzenried
 00:36:20 Sen. Kaufmann
 00:36:32 Ms. Evans, Senior Rights Coalition, AGAI
 00:37:46 Sen. Kaufmann
 00:38:03 Ms. Evans, Senior Rights Coalition, AGAI
 00:38:33 Sen. Barrett
 00:38:49 Mr. Tubbs, DNRC
 00:41:15 Sen. Barrett
 00:41:44 Mr. Tubbs, DNRC
 00:43:19 Sen. Barrett
 00:43:39 Mr. Tubbs, DNRC
 00:44:17 Sen. Peterson
 00:45:21 Sen. Wanzenried
 00:46:44 Sen. Peterson
 00:47:19 Sen. Wanzenried
 00:47:43 Sen. Peterson
 00:48:04 Ms. Evans, Senior Rights Coalition, AGAI
 00:49:17 Sen. Barrett
 00:49:46 Mr. Tubbs, DNRC

Closing by Sponsor:

00:50:44 Sen. Wanzenried

EXECUTIVE ACTION ON SB 93

00:53:39 Chairman Gebhardt
EXHIBIT(nas30a02)

00:55:42 **Motion:** Sen. Tropila moved that **SB 93 DO PASS.**

Discussion:

00:56:16 Sonja Nowakowski, Legislative Service Division (LSD)
 00:56:43 Sen. Peterson

00:57:59 **Vote:** Motion that **SB 93 DO PASS** failed 3-8 by voice vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting aye. Sen. Wanzenried voted by proxy.

00:58:33 **Substitute Motion/Vote:** Sen. Peterson made a substitute motion that **SB 93 BE TABLED AND THE VOTE REVERSED**. Substitute motion carried by voice vote. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 94

00:59:10 **Motion:** Sen. Kaufmann moved that **SB 94 DO PASS**.

00:59:28 **Motion:** Sen. Gebhardt moved that **SB 94 BE AMENDED**.
EXHIBIT (nas30a03)

Discussion:

00:59:44 Ms. Nowakowski, LSD
01:02:01 Chairman Gebhardt
01:02:08 Sen. Kaufmann
01:02:22 Mr. Tubbs, DNRC
01:02:24 Sen. Kaufmann
01:02:55 Mr. Tubbs, DNRC

01:03:41 **Vote:** Motion that **SB 94 BE AMENDED** carried 10-1 by voice vote with Sen. Kaufmann voting no. Sen. Wanzenried voted by proxy.

01:04:16 **Motion:** Sen. Keane moved **SB 94 DO PASS AS AMENDED**.

Discussion:

01:04:25 Sen. Peterson
01:05:08 Chairman Gebhardt
01:05:28 Sen. Peterson
01:05:52 Ms. Evans AGAI
01:10:34 Sen. Barrett
01:10:59 Ms. Evans, AGAI
01:11:44 Sen. Peterson
01:12:19 Ms. Evans, AGAI
01:13:12 Sen. Peterson
01:13:21 Mr. Tubbs, DNRC

01:14:18 **Vote:** Motion that **SB 94 DO PASS AS AMENDED** carried 8-3 by voice vote with Sen. Barrett, Sen. Curtiss, and Sen. Gebhardt voting no. Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 120

01:16:10 **Motion:** Sen. Perry moved that **SB 120 DO PASS.**

Discussion:

01:16:18 Ms. Nowakowski, LSD

[EXHIBIT \(nas30a04\)](#)

[EXHIBIT \(nas30a05\)](#)

[EXHIBIT \(nas30a06\)](#)

[EXHIBIT \(nas30a07\)](#)

01:16:47 Chairman Gebhardt

01:17:24 Sen. Barrett

01:18:15 Chairman Gebhardt

01:18:34 Ms. Nowakowski, LSD, explained Exhibits 4 and 5.

01:18:55 Chairman Gebhardt

01:19:29 Sen. Perry

01:19:38 Chairman Gebhardt explained that Exhibit 4 would be considered if Exhibit 5 failed to pass.

01:20:01 **Motion:** Sen. Perry moved that **SB 94 BE AMENDED.**
(Exhibit 5)

Discussion:

01:20:17 Sen. Perry

01:21:26 Chairman Gebhardt

01:21:40 Sen. Peterson

01:22:02 Sen. Perry

01:22:09 Sen. Kaufmann

01:23:11 **Vote:** Motion that **SB 120 BE AMENDED** carried unanimously by voice vote. Sen. Wanzelried voted by proxy.

01:23:54 **Motion:** Sen. Keane moved **SB 120 DO PASS AS AMENDED.**

01:24:07 **Motion:** Sen. Barrett moved that **SB 120 BE AMENDED.**
(Exhibit 6)

Discussion:

01:24:57 Sen. Barrett

01:25:14 **Vote:** Motion that **SB 120 BE AMENDED** carried unanimously by voice vote. Sen. Wanzelried voted by proxy.

01:25:32 **Motion:** Sen. Barrett moved that **SB 120 BE AMENDED.**
(Exhibit 7)

01:25:39 **Motion:** Sen. Barrett moved that **SB 120 DO PASS AS AMENDED.** (Corrected motion)

01:25:50 **Motion:** Sen. Barrett moved **SB 120 BE AMENDED.**
(Exhibit 7)

Discussion:

01:26:04 Sen. Barrett

01:26:09 Ms. Nowakowski, LSD

01:27:19 **Vote:** Motion that **SB 120 BE AMENDED** carried
unanimously by voice vote. Sen. Wanzenried voted by
proxy.

01:27:38 **Motion:** Sen. Keane moved **SB 120 DO PASS AS AMENDED.**

Discussion:

01:27:54 Sen. Peterson

01:28:06 Chairman Gebhardt

01:28:28 Sen. Kaufmann

01:28:50 Sen. Barrett

01:29:06 **Vote:** Motion that **SB 120 DO PASS AS AMENDED** carried
unanimously by voice vote. Sen. Wanzenried voted by
proxy.

ADJOURNMENT

Adjournment: 4:55 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas30aad.pdf](#))